IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE.

CIVIL APPLICATION NO. 695 OF 2004.
IN
WRIT PETITION NO. 842 OF 1998.

Mahanagar Telephone Nigam Ltd. ... Petitioner.
V/s.
Chandrakant R. Tate & anr. ... Respondents.
(Ori.Respt.No.1)

Ms.S.I. Shah for the Applicant.
None for the respondents.

CORAM : V.C.DAGA, J.

DATED : 3.4.2006.

P.C. :

. None for respondent No.1-workman.

. Heard Ms.Shah for the petitioner.

. Perused civil application filed under sec.17-B of the Industrial Disputes Act.

. Seen writ petition with annexures annexed thereto.

. This is an application filed by original respondent No.1- workman on 24.9.2003, seeking direction against the petitioner to comply with provisions of section 17B of the Industrial Disputes Act w.e.f. 16.3.1998.

. No reply has been filed by the

petitioner-MTNL to the application filed by the workman. In the absence of any reply there is no contest. In the absence of denial of the allegations, the contents of the application will have to be treated as deemed to have been proved. The application under section 17-B moved by workmen is pending since 24.9.2003. Non-applicant-original petitioner (MTNL) has sought time on more than 3 occasions to file its reply. However, no reply has been filed till date. In my view, 3 years period was more than sufficient for anybody to file reply, if desired.

. In the above view of the matter, application filed by the respondent No.1 for want of contest is liable to be allowed. Petitioner (MTNL) is directed to comply with the provisions of section 17-B for the period commencing from 24.9.2003 to 30.4.2006 within 4 weeks from today by depositing the amount calculated on the basis of last drawn wages in this Court and should continue to remit monthly wages on or before 10th of each month w.e.f.1st May 2006, to the applicant; failing which petition shall stand dismissed for non-compliance of this order without further reference to the Court.

(V.C.DAGA,J.)